

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2019-388-E - ORDER NO. 2020-288

APRIL 7, 2020

IN RE: Denmark Solar, LLC; Trask East Solar, LLC;	)	ORDER APPROVING
Yemassee Solar, LLC; and Blackville Solar	)	SETTLEMENT
Farm, LLC's Petition Pursuant S.C. Code	)	AGREEMENTS AND
Ann. Section 58-27-980 v. Dominion Energy	)	GRANTING
South Carolina, Inc.	)	CONFIDENTIAL
	)	TREATMENT

This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the request of Dominion Energy South Carolina, Inc. (“DESC”) for approval of Settlement Agreements and Mutual Releases with each of four entities, to wit: Blackville Solar Farm, LLC, Denmark Solar, LLC, Trask East Solar, LLC and Yemassee Solar, LLC (together, “the Petitioners”). According to DESC, each Petitioner plans to construct a solar generating facility that will be a Qualifying Facility under 18 C.F.R. Section 292.204. As such, each Petitioner has entered into a Power Purchase Agreement (“PPA”) with DESC. The Petitioners filed, on December 19, 2019, a Petition that related to certain matters in the PPAs. Now, each Petitioner has entered into a Settlement with DESC, subject to approval by the Commission, to amicably resolve the issues (each, a “Settlement” and collectively, the “Settlements”). If these are approved by the Commission, the parties will submit a Joint Motion to Withdraw the Petition.

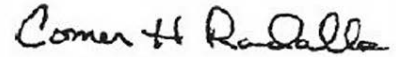
According to the parties, due to the commercially sensitive and proprietary nature of the Settlements, as well as the highly competitive nature of the industry in which

Petitioners and DESC operate, DESC and Petitioners have agreed to keep the terms of the Settlements confidential. In accordance with the terms of the Settlements, DESC and Petitioners request that the Commission find that the Settlements contain protected information and ask the Commission to issue a protective order barring the disclosure of the Settlements under the South Carolina Freedom of Information Act. The Petitioners further request that the Commission approve each Settlement with an effective date of March 25, 2020.

This Commission has examined the Petition in question and the Settlement Agreements and Mutual Releases, and the Commission hereby approves the Settlement Agreements and Mutual Releases, effective March 25, 2020. Examination of the four Settlement Agreements and Mutual Releases also reveals that they do contain protected information under the South Carolina Freedom of Information Act, due to their commercially sensitive and proprietary nature. We also note the competitive highly competitive nature of the industry in which the Petitioners and DESC operate. Accordingly, the request for confidential treatment of the four Settlement Agreements and Mutual Releases is granted. Further, disclosure of the Settlement Agreements and Mutual Releases is hereby barred, due to the commercially sensitive and proprietary nature of these documents. Accordingly, the requested protective order is hereby granted.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Comer H. "Randy" Randall, Chairman

ATTEST:



Jocelyn Boyd, Chief Clerk/Executive Director